

REMARKS

The Examiner has rejected the application primarily under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 6, 674,923 to Shih et al by itself or in combination with U.S. Patent 4,730,727 and/or U.S. Patent 5,906,937.

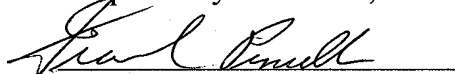
Applicant respectfully submits that the rejection over the '923 patent to Shih et al is improper, as Shih et al is not prior art to the instant application. In particular, Applicant refers the Examiner to 35 U.S.C. 103 (c) 1, which states that subject matter developed by another person, which qualifies as prior art only under one or more of sub sections e, f, and g of Section 102 of this title, should not preclude patentability under this Section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to obligation of assignment to the same person.

In this regard, the cited '923 reference fails as prior art under 102(e). The instant application was filed on March 17, 2000 and the cited reference was filed on March 28, 2000. Both the instant application and the cited reference at the time the claimed invention was made, were subject to assignment to the Eastman Kodak Company. Accordingly, the cited reference is not prior art and the rejections which are based on this reference are inappropriate.

In view of the foregoing, Applicants respectfully submit that since the cited Shih et al reference is not prior art, the rejections based thereon must fall.

In view of the foregoing, Applicants respectfully submit that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.